

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ENTERED

January 29, 2019

David J. Bradley, Clerk

FELIPE LOPEZ-RAMOS

VS.

UNITED STATES OF AMERICA

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CIVIL ACTION NO. M-16-419

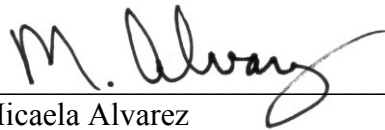
ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Movant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, which had been referred to the Magistrate Court for a report and recommendation. On January 10, 2019, the Magistrate Court issued the Report and Recommendation, recommending that Movant's § 2255 motion be **DISMISSED** without prejudice, pursuant to Movant's voluntary dismissal. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Movant's § 2255 motion is **DISMISSED** without prejudice. Further, a certificate of appealability is **DENIED** and the Court **ORDERS** this case closed.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 29th day of January, 2019.



Micaela Alvarez
United States District Judge

¹ As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United States Service Auto. Ass'n*, 79 F.3d 145, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superceded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n. 5 (5th Cir. April 2, 2012).